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Official Records

Special Committee on the Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

1444th Meeting
Tuesday, 11 July 1995, 3 p.m.
New York

Acting Chairman: Mr. Bangura . . . . . (Sierra Leone)

The meeting was called to order at 3.40 p.m.

The Chairman: Let me first express my regret that there has not been a positive response to the appeal that I made at the end of the last meeting. Instead of beginning at three o'clock, as I hoped, we are starting almost 45 minutes late. This delay will have an adverse impact on our deliberations, and I can only hope that it will not be repeated.

I should like in particular to repeat my appeal to the petitioners that they adhere to the limit of 15 minutes.

Requests for hearing

The Chairman: I wish to draw members' attention to the additional requests for hearing, which have been circulated in *aides-mémoire* 5/95/Add.3 and 14/95, relating respectively to East Timor and the United States Virgin Islands.

We shall first take up the requests for hearing on the question of East Timor. If there are no objections, may I take it that the Committee decides to accede to the requests?

It was so decided.

The Chairman: We shall next take up the request for hearing on the question of the United States Virgin Islands. If there are no objections, may I take it that the Committee decides to accede to this request?

It was so decided.

Question of East Timor (A/AC.109/2026) *(continued)*

The Chairman: We shall now continue the hearings on the question of East Timor.

At the invitation of the Chairman, Mr. Max B. Surjadinata (East Timor Religious Outreach) took a place at the Committee table.

The Chairman: I call on Mr. Surjadinata.

Mr. Surjadinata (East Timor Religious Outreach): I am Rev. Max Surjadinata, pastor of Mount Vernon Heights Congregational Church in Mount Vernon, New York, a social worker and north-eastern Coordinator of East Timor Religious Outreach in the United States.

The testimony I am presenting was prepared by the National Coordinator of East Timor Religious Outreach, Rev. John Chamberlin, pastor of First St. John's United Methodist Church in San Francisco, California.

> "The issue of the decolonization of East Timor is once more before this Committee. The overthrow of the military dictatorship in Lisbon in April 1974 — commonly known as the Carnation Revolution — marked the beginning of the end of the Portuguese colonization of East Timor. In the immediate aftermath, East Timorese political parties began the process of decolonization, in cooperation with the new local Portuguese administration. A brief civil war, instigated by an Indonesian intelligence operation aimed at bringing about the integration of East Timor into Indonesia, however,

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helped to subvert the decolonization process. Immediately after the civil war ended in September 1975 the Indonesian army began military incursions into East Timor, culminating in a full-scale attack on the Territory on 7 December 1975.

"Almost 20 years later, and in the context of an ongoing Indonesian occupation, Portugal remains the administering Power of East Timor under international law, owing to the fact that the Territory has never undergone a formal process of decolonization. Each year at this time, however, this Committee, rather than receiving reports of decolonization in East Timor, hears accounts of a brutal and involuntary recolonization of the Territory by the armed forces of Indonesia.

"East Timor Religious Outreach (ETRO) wishes to add its testimony to the Committee's record today. East Timor Religious Outreach is a coalition of clergy and laity in the United States of America that attempts to assist the East Timorese in achieving peace with justice in their tortured nation and true self-determination consistent with the United Nations Charter and relevant Security Council and General Assembly resolutions.

"In October 1994, in my capacity as Coordinator of East Timor Religious Outreach, I visited East Timor on a fact-finding mission. Although I was on a pastoral visit, I travelled alone and entered the country on a tourist visa, as I wanted to minimize the possibility of attracting the attention of the Indonesian military authorities.

"Even though I had been working for several years on the issue of East Timor, I was profoundly unprepared for the physical, psychological and spiritual reality that confronts any visitor to that land. I had been to El Salvador, Honduras and Guatemala during the height of military repression in those countries, but I had never witnessed fear and terror such as I experienced in East Timor.

"Visitors to East Timor must be prepared to be followed and should anticipate having all their movements monitored. East Timorese young people with whom I spoke intimated that they fully expected to be picked up almost immediately after our conversation and arrested, interrogated and beaten. Knowing this, many were nevertheless willing to take great risks to speak to me. I heard many first-hand accounts of the torture of students and others suspected of pro-independence sentiments and/or attempting to pass information about human rights violations to the outside world.

"In casual conversations individual names are seldom mentioned. Even the most innocent remark, overheard and misunderstood, could get someone killed. Day-to-day life reveals unremitting tension and frequent terror. Extrajudicial executions, the systematic rape of East Timorese women and forced birth control abound.

"I visited with a number of religious leaders in Dili and elsewhere. I was forced to register with the local authorities upon my arrival in each locale and to report where I would be residing. For this reason, I have chosen not to report publicly the particulars of any of my conversations.

"But I now know beyond question that the Indonesian Government's claim that the vast majority of East Timorese favour 'integration' with Indonesia is cynical propaganda. How could the Indonesian Government credibly claim to know the true feelings of the East Timorese? Basic freedoms of speech and assembly exist in East Timor only for those who profess loyalty to the Indonesian policy. Indonesian prisons contain far too many East Timorese jailed for non-violent acts of political advocacy to suggest otherwise. Indeed, were the Indonesian authorities confident of the validity of their own propaganda, they would gladly accede to the demands of the United Nations for the holding of an internationally supervised act of self-determination in the former Portuguese colony.

"Last November, during the meeting of the Asia-Pacific Economic Cooperation Council in Jakarta, the world focused much of its attention on the discontent of the East Timorese youth with Indonesian rule. But East Timor's religious leaders have also expressed serious concern. Representatives of East Timor Religious Outreach have held consultations with Roman Catholic Bishop Carlos Ximenes Belo, Apostolic Administrator of Dili and titular head of the Roman Catholic Church in East Timor, and with the Reverend Arlindo Marcal, Moderator of the Protestant Church in East Timor. Bishop Belo continues to speak out on the gross violations of human rights in East Timor and to call for a complete military withdrawal and an

internationally-supervised plebiscite on self-determination in the former Portuguese colony. Reverend Marcal has taken a similar stance, stating that:

> 'Integration can only be accepted as a result of the implementation of the right of self-determination of the East Timorese people. The East Timorese should be provided the opportunity to determine for themselves whether they want to be integrated into Indonesia or not.'

"The concern expressed by East Timorese leaders mirrors the increasing awareness of the issue of East Timor within religious bodies in the United States of America. Various denominations at the regional and national levels are preparing position papers, resolutions and overtures in support of East Timorese self-determination. And Bishop Melvin Talbert, President-elect of the National Council of Churches in the United States, has called repeatedly for an end to the Indonesian occupation of East Timor. Writing in *Sequoia*, the journal of the Northern California Ecumenical Council, Bishop Talbert stated:

> 'We must persuade the Indonesian Government to end its occupation of East Timor, just as we persuaded the South African Government to end apartheid.'

"In February 1989, Bishop Belo called upon the then United Nations Secretary-General, Mr. Pérez de Cuéllar, to support and facilitate the decolonization of East Timor and the holding of a United Nations-sponsored referendum on self-determination. In his letter to the Secretary-General, Bishop Belo stated:

> 'We are dying as a nation and as a people'.

Despite Jakarta's claim to the contrary, the situation within East Timor has not improved. Bishop Belo recently pronounced:

> 'The situation is as bad as ever ... We live in a scorched land.'

More than ever, we must heed Bishop Belo's plea for justice.

"Fifty years after the founding of the United Nations, the continuing occupation of East Timor is a sad and tragic stain on this world body's record. In the name of international law, human rights and basic human dignity, we urge this Committee to use all available and appropriate means to end the recolonization of East Timor by the Indonesian Government and to permit the East Timorese to exercise their right to self-determination."

That concludes the testimony of Reverend Chamberlain of St. John's First United Methodist Church. I would simply like to add some brief statements and personal observations of my own.

I am an Indonesian-American. I am the son of an Indonesian pastor who was imprisoned and subsequently executed by Japanese occupation forces in Indonesia during the Second World War. My stepfather is a retired member of the Indonesian Parliament and served from 1966 to 1971. I received my early schooling in Jakarta, Indonesia, and I remember with pride and joy when Indonesian independence was proclaimed in 1945. Like many Indonesians, I happily welcomed the official transfer from colonial dependence to Indonesian sovereignty when it took place in 1949. I continue to have a strong attachment to the country of my birth.

However, for the past 20 years I have watched with deep sorrow and sadness the occupation and recolonization of East Timor by the Government of a country — Indonesia — that itself experienced the deep longing for self-determination and subsequently tasted freedom and independence. Since the Santa Cruz massacre of 12 November 1991, when innocent marchers on their way to a funeral were mercilessly gunned down by Indonesian soldiers and two of my American friends became innocent victims during this incident, I have become one of the principal organizers of the annual Interfaith Memorial and Prayer Service for the People of East Timor that is held each November at the Church Centre for the United Nations right across the street from these premises.

I am in contact with numerous Indonesian-Americans and with many other Indonesians who remain in Indonesia. Let me assure you that the sentiments I express are shared by growing numbers of Indonesians. Those living in Indonesia risk persecution and arrest if such opinions are expressed openly. Indonesians living in the United States, even those who are citizens, often fear — with some justification — that if they speak out publicly against Indonesia's shameful and illegal

occupation of East Timor they will not be permitted to return to visit their families.

The Special Committee's efforts to end the recolonization of East Timor and to ensure true self-determination for that suffering nation will be applauded by East Timorese; these efforts will be welcomed by Indonesians as well.

Mr. Surjadinata withdrew.

At the invitation of the Chairman, Mr. Michael Ede (Australian Coalition for a Free East Timor) took a place at the petitioners' table.

The Chairman: I call on Mr. Ede.

Mr. Ede (Australian Coalition for a Free East Timor) (ACET): The Australian Coalition for a free East Timor (ACET) welcomes this opportunity to address its concerns to the United Nations Special Committee on Decolonization. We are deeply disturbed that, after 20 years of international scrutiny of the Indonesian Government's illegal invasion and occupation of East Timor, the East Timorese have yet to exercise their inalienable right to self-determination.

However, we are pleased to note that, despite the passage of 20 years, the international community remains seized of the situation in East Timor. If anything, the international community is becoming more aware of the arrogant brutality of Indonesian rule in East Timor. The refusal of the East Timorese to accept their forced integration or to suffer in silence cannot be denied. We are relieved, as we are sure the East Timorese are, that the international community has not abandoned them. We take great heart from the fact that this issue is still being discussed at the United Nations today.

ACET is a network of organizations in Australia created to support, where possible, the right of the East Timorese to self-determination. These organizations draw their membership from a broad spectrum of Australian society, including academics, trade union representatives, members of most religious denominations and humanitarian aid organizations, and members of all political parties.

With successive Australian Governments failing to pursue a moral or just policy towards the East Timorese, organizations in ACET offer ordinary Australians one means of letting the East Timorese and the international community know that many Australians disagree with Australia's official actions on this issue.

Some of these organizations have been in existence since before the Indonesian invasion and have, in the intervening years, played their role as a conduit to the world for information from inside East Timor. In making this presentation today, we are drawing on that history of knowledge and concern with the fate of the East Timorese.

In considering how we might act today on this issue, it is important that we have a clear understanding of what has actually been happening in the last 20 years inside East Timor itself, and what is happening there now.

The Indonesian invasion and occupation of East Timor began on 7 December 1975 and was condemned by the General Assembly and the Security Council. East Timor never threatened Indonesia militarily or in any other way. Indeed, it was never a threat of any sort to the much larger Indonesia.

The legal dimensions of the East Timor problem are probably the least controversial issues. It is undeniable that the Indonesian invasion and occupation violated the fundamental norms of international law. First, the operation deprived East Timor of its right to self-determination, and secondly, the military intervention itself constituted an act of aggression in contravention of the Charter of the United Nations and customary law.

On the question of the right to self-determination, one important reference is the Declaration on the Granting of Independence to Colonial Countries and Peoples — resolution 1514 (XV). This recognizes that Non-Self-Governing Territories have the right to self-determination and that their peoples have the right to determine their status upon completion of a process of decolonization.

Despite Indonesian Government claims, such a process has never occurred in East Timor. The legitimacy of the Indonesian Government's alleged procedures in Dili in May 1976 have since been denied by East Timorese participants. Analysis in later years has shown that the majority of the East Timorese population was outside Indonesian control in 1976 when the so-called Popular Assembly voted to integrate with Indonesia.

Even better understood is the now well-documented suffering of the East Timorese under Indonesian military occupation. Within four years of the occupation, East Timor's population had been decimated. East Timorese were saying that up to half their population of 700,000 had died. A comparison of pre-invasion population figures and an Indonesian Government census in 1980 indicated that between 150,000 and 200,000 East Timorese were missing.

It is believed that there were many killings of East Timorese in the early months of the invasion and then in Indonesian military campaigns from late 1977 to early 1979. A major cause of death in those years was starvation, as East Timorese were herded into strategic settlement camps and denied access to land and to international humanitarian aid. No international aid agency was permitted by Jakarta to operate in East Timor until mid-1979.

Whatever the actual number of deaths, East Timor ranks high on the list of countries or Territories showing significant loss of life at the hands of a military oppressor. This experience remains deeply etched in the hearts and minds of all East Timorese.

In the years since 1980, the Indonesian Government has claimed that its economic development programme in East Timor is evidence of East Timor's successful integration with Indonesia. However, this programme has done nothing to benefit the East Timorese people or to lessen the impact of continuing military rule in East Timor, the climate of fear in the Territory or the continuing wish of the East Timorese for self-determination.

The real nature of Indonesian military rule was clearly shown to the world through the filming of the massacre of unarmed civilians at the Santa Cruz cemetery in Dili in November 1991. For East Timorese, this was just a repeat of what had happened so many times before.

The long history of torture and extrajudicial executions continues in East Timor. This is well illustrated by the evidence given by an Indonesian soldier last month that he was ordered by a senior officer summarily to execute six East Timorese civilians detained by the army in the Liquica district in January this year.

In recent years, it has been possible for journalists and private citizens to visit East Timor. Almost all return reports of a sullen, frightened population, an oppressive Indonesian military presence and a seemingly indestructible desire for freedom.

The Reverend David Gill, General Secretary of the Australian National Council of Churches, visited East Timor in March and described a deep sense of alienation felt by the people. East Timorese told him nothing had changed. The heavy military presence, frequent violations of human rights and surveillance by security people remain. Even our own Foreign Minister, well remembered in Australia for his description of the 1991 Dili massacre as "an aberration," in May this year described the Indonesian military presence in East Timor as oppressive and conceded that little progress had been made in improving human rights.

The United Nations Special Rapporteur, Mr. Bacre Waly Ndiaye, in his report to the United Nations Commission on Human Rights, concluded that the conditions that allowed the killings of East Timorese in the 1991 Dili massacre to occur are still present (E/CN.4/1995/61/Add.1, para.74). The members of the Indonesian security forces responsible for abuses have, he said, not been held accountable and continue to enjoy virtual impunity (ibid., para. 74).

In other words, little has changed in 20 years of Indonesian military occupation of East Timor. The question for us all, then, is, "What can be done?"

There are some welcome signs. The first is the increasing international awareness, at Government and non-Government levels, that a gross injustice has been and is being committed against the East Timorese and that this needs to be resolved. We are pleased to note that the United States, which in the past has been a major diplomatic supporter of Indonesian rule in East Timor, has now increased its level of criticism of Indonesian behaviour in East Timor. In Indonesia itself there has emerged, in non-Government circles, a body of opinion critical of Indonesian Government policies on East Timor.

The unprecedented establishment in Indonesia itself of official inquiries into military killings in East Timor in 1991 and this year suggest that Jakarta is now taking note of serious international concerns. Indonesia's Foreign Minister, Mr. Ali Alatas, once described East Timor as "a pebble in the shoe" of Indonesia. Our own Foreign Minister, Gareth Evans, has since described the East Timor issue as a "rock in the path" for Indonesia on the international stage.

The time, then, is right to maintain and strengthen international and, in particular, multilateral support for

the right of East Timorese self-determination. It is not a time for backing away.

Indonesia may well point to recent inquiries into killings as proof of its just approach to these events as they occur in East Timor. The United Nations Special Rapporteur's findings on the 1991 Dili massacre clearly showed just how limited and faulty these inquiries have been. International pressure is require to ensure that such inquiries are genuine.

There is increasing discussion internationally on the need for Indonesia to reduce drastically its military presence in East Timor and to grant some form of autonomy to the Territory, as well as hints that some sections of the Indonesian administration are open to these ideas. Troop reductions would be welcome, but in our view the troops should simply not be there. They have no right to be there in the first place, as earlier United Nations resolutions have indicated. What is clear is that Indonesian troop reductions will not occur without continued international pressure. As for special autonomy, the tragic history of Indonesian rule in East Timor indicates the necessity for international supervision, should Jakarta ever indicate willingness for some form of autonomy. It remains our view that such a step should not be seen as a substitute for the East Timor right to self-determination.

We are also concerned that Indonesian transmigration programmes will continue to marginalize East Timorese, both economically and politically. They may become a minority in their own land. Any suggestions for autonomy would have to include a cessation of such transmigration.

In the period 1975 to 1982 at the General Assembly, there was a gradual erosion of the "Yes" vote for East Timorese self-determination. What the East Timorese need now is a review of policy from Governments that changed their vote during that time to "No" or "Abstain".

In the light of all the recent evidence that the plight and wishes of the East Timorese have remained unchanged in these 20 years, we implore these States to reconsider their positions. We believe that in previous years, bloc voting in a "cold war" climate had an undue and unfortunate influence on the manner in which some nations were obliged to vote. Whatever the reasons were for Governments to change their "yes" vote, be they political or economic, the consequences were clear. Such vote changes gave confidence to the occupying forces in East Timor and left the East Timorese to their fate of arbitrary arrest, torture and violations of a series of other basic human rights.

Our own Government's *de jure* recognition of East Timor's incorporation into Indonesia facilitated an agreement for Indonesia and Australia to exploit oil reserves between East Timor and Australia's northern coast, but has done nothing to help the Timorese. Such recognition has little support among the Australian populace and has undermined the Government's credibility in its approach to human rights issues in East Timor. Our Government's recognition of East Timor's incorporation into Indonesia has precluded it from giving genuine support for the inalienable right of the East Timorese to self-determination.

We are gratified that very few Governments have followed this manifestly unjust path. The deplorable situation in East Timor has gone on for too long. The time is right to strengthen your resolve, as a community of nations, to bring to a halt the dreadful position in East Timor. Some ask us to be patient. But the time for change is long overdue and urgent. The East Timorese should not have to endure another 20 years of isolation and oppression. Enough is enough.

The East Timorese have shown they will not accept their forced integration. They have that right. Indonesia does not have the right to suppress East Timorese aspirations. The international community, through forums such as this, must make that clear. The cold war is over. It is time to put aside bloc voting and reestablish support for the most basic of international principles. It is no longer a matter of right or left wing politics — it is a matter of right or wrong. It is a matter of dignity and conscience.

The matter is in the hands of the Committee. Justice for the East Timorese is possible.

Mr. Ede withdrew.

At the invitation of the Chairman, Mr. Vince Comisky (Catholic Institute for International Relations) took a place at the Committee table.

The Chairman: I call on Mr. Comisky.

Mr. Comisky (Catholic Institute for International Relations (CIIR)): The Catholic Institute for International Relations (CIIR) thanks the Special Committee for the

opportunity to speak today on the East Timor question, which has engaged our concern for many years.

At the intra-East Timor dialogue held last month in Schlaining, Austria, Bishop Carlos Ximenes Belo presented a paper making a number of fundamental points relating to the East Timorese church as well as his reflections on prospects for change. Bishop Belo spoke as a representative of a church which "has always stayed very close to its people". He made it clear that real development could take place in East Timor until its people were given their freedom, rather than being treated as defeated subjects. In our petition to this Committee today, CIIR seeks to measure the realities of the past year in the day-to-day life of the East Timorese people against the basic needs which the Bishop outlined in that address.

The first point is that material development cannot be considered development at all unless it is accompanied by respect for basic rights, and unless the people can express themselves.

Over the past year, many East Timorese have been given prison sentences ranging from a few years to life imprisonment after unfair trials, many for peaceful pro-independence activities. We note particularly José Antonio Neves, sentenced to four years for attempting to seek to alert the international community to human rights violations taking place in East Timor. Others have been given custodial sentences for peacefully demonstrating for independence. Over the past year, hundreds of East Timorese have been subjected to arbitrary arrest, detention and even torture at the time of significant anniversaries, such as 12 November last year, as well as meetings of international significance, such as that of the Asia-Pacific Economic Cooperation Council, both in Indonesian cities and in East Timor itself.

We note the extrajudicial killings of six East Timorese civilians at Liquica on 12 January this year. While we acknowledge that the Indonesian authorities have, in the course of their investigations and those of the National Human Rights Commission, taken steps to acknowledge the clear abuses of human rights which took place and to punish the perpetrators, the incident nevertheless remains another instance in a broader pattern of atrocities.

The reports we have received from East Timorese over the past year without exception point to the fact that there continues to be a lack of freedom of expression in East Timor; that, largely due to the military presence, the atmosphere is overwhelmingly repressive; and that the basic rights of many East Timorese are not respected. We cannot but recall the December 1994 report of the United Nations Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, when he stated that:

> "a drastic reduction of the military presence in East Timor is a prerequisite for confidence-building measures allowing the families to feel safe enough to report about their missing or killed relatives". (*E/CN.4/1995/61/Add.1, para. 83*)

The second point is that Timorese feel that they are not respected, but conquered.

An anonymous report sent out of East Timor at the beginning of the year related the activities of "ninja" gangs which, instigated by the military authorities, were terrorizing the populations of Dili and Bacau. According to the author, military operations in the east had been stepped up in January of this year and an identity-card system introduced in Tibar, Marbia and Hera-metinaro in the east to prevent villagers from travelling to Dili.

> "Anyone wanting to enter is forced to undress. Anyone without ID is arrested and tortured. The controls apply only to Timorese."

While the population continues to be denied freedom of movement and humiliated in such basic ways, it is unsurprising that they do not feel respected, but rather as if they were a conquered race.

The third point: young people have few opportunities.

Bishop Belo has made young people a particular cause of his concern. In recent interviews, letters and addresses, he has expressed his dismay at the lack of opportunities available to East Timorese, as transmigrants from Indonesian islands are given the best jobs. Education alone is not enough to solve the problem. It is very often the young and students who are the victims of arbitrary arrest and detention by the Indonesian military. We call upon the Indonesian authorities to undertake serious measures to address this fundamental injustice.

Concerning respect for culture, religion and history, the fourth point, 20 years of Indonesianization in East Timor have begun to threaten the identity of the East Timorese. Attempts have been made to ban the former colonial language, Portuguese, and even their own native language. Alien ways of life and language have been

imposed on them and many East Timorese feel that their very history has been rewritten by a new colonizing Power. This feeling has been exacerbated all the more over the past year or so by a number of attacks against church personnel and desecrations of the host by Indonesian soldiers at mass. This has led to indignant and often violent responses by the East Timorese population, which have in turn been suppressed with more violence by the military authorities. It is a dangerous downward spiral which could be addressed by a greater willingness to accept cultural differences and the religious tradition of the country.

As to the fifth point, freedom for the church to operate without manipulation", the church has operated in this situation in the face of often severe pressure. Reports received by CIIR over the period point to continuing interference in the life and operations of the church by the military. We have heard how priests and religious people have been the victims of disinformation and false accusations aimed at undermining the standing of the local East Timorese clergy. Intrareligious tensions are being fed by a small number of people being pressured to convert to Islam, which leads to a false presentation of the conflict in East Timor as being religious. This has been refuted again and again by Bishop Belo himself.

I turn next to the sixth point, the question of comprehensive development — taking account of basic moral order. No one would deny that there has been infrastructural development in East Timor as a result of Indonesian occupation over the last 20 years. But material development has not won the hearts of the East Timorese people. On the contrary, this year has confirmed a continuing experience of brutalization. Until the East Timorese people feel that they are respected first and foremost as East Timorese, complete with their own culture, national identity and religion, there will be no collective experience of development to discuss.

On the occasion of the fiftieth anniversary of the United Nations, the Chairman of this Committee has expressed the desire that the Special Committee live up to its goal of having the world enter the twenty-first century free of colonialism. As Indonesia celebrates 50 years of independence this year, let us all work to make this a reality for East Timor also.

The petitioner withdrew.

At the invitation of the Chairman, Mr. Andrew Clapham (Amnesty International) took a place at the petitioners' table.

The President: I call on Mr. Clapham.

Mr. Clapham (Amnesty International): Indonesia has ruled East Timor for 20 years. During that time, the rights of East Timorese suspected of pro-independence activities have been systematically violated. Amnesty International regrets that in our statement today once again we have to draw the attention of United Nations Member States to a catalogue of human rights violations in East Timor. In the light of a renewed crackdown by the Indonesian Government on the basic rights of East Timorese, Amnesty International takes this opportunity to describe the violations and make recommendations which, if implemented, would improve the human rights situation in East Timor.

Two major periods of unrest, in November 1994 and throughout January and February of this year, resulted in large-scale arbitrary arrests, torture and beatings, and in dozens of political trials including those of prisoners of conscience. All these violations continue to be used by the authorities to silence even peaceful dissent in East Timor. And while the international spotlight forced the Indonesian Government to conduct an inquiry into the killing of six civilians in January this year, other reported killings and "disappearances" have not captured the imagination of the international community and remain thus unresolved. As in previous years, the international community has once again failed to place sufficient pressure on the Indonesian Government to improve human rights. While United Nations mechanisms have themselves provided some of the strongest criticisms of Indonesia, this has not been consistently supported throughout the United Nations.

In June 1994, the Indonesian Government published a booklet called "Setting the Record Straight on East Timor". The book was an attempt to address certain "myths" about Indonesia's rule of East Timor. The book opens with the following passage:

> "This myth ascribes to the Indonesian Government all sorts of horrible atrocities without a shred of evidence or proof that might be acceptable in a court of law. It is being made to appear that the Government of Indonesia would, without compunction, violate its own laws and fundamental principles and even the deeply ingrained values of its people".

Regrettably, Amnesty International is able to provide ample evidence of such violations. All the

evidence provided in this statement concerns violations committed since June 1994. At the same time as the Indonesian Government published its booklet on East Timor, José Antonio Neves, an East Timorese student activist, was being questioned by military intelligence officers in Malang, without the presence of a lawyer. His crime was attempting to send information overseas in order to dispel some of the Indonesian Government's own "myths" about improvements in human rights in East Timor. In February this year, José Neves was sentenced to four years' imprisonment. He is a prisoner of conscience, convicted after an unfair trial which consistently violated Indonesia's own laws.

A few months later, between 125 and 180 East Timorese were arbitrarily detained after demonstrations which took place in Jakarta and Dili at the time of the Asia-Pacific Economic Cooperation (APEC) meetings held in Indonesia. Some of them were beaten as they were being arrested and others were tortured in custody. Twenty-seven are now facing trial for their role in the demonstrations.

In January, José Antonio Belo and 23 others were arrested after a peaceful demonstration at the University of East Timor in Dili. José spent the first night of his arrest with his arms and legs tied, hanging upside down in a military intelligence office. When he was taken down the next morning he was beaten with sticks and wires and was reportedly subjected to electric shocks. Denying reports that José was at risk of torture, Major Laedon Simbolon, East Timor military spokesperson, said

> "We take good care of them and feed them, just to let them tell us the truth about why they did the demonstration and who stood behind them".

José has subsequently been sentenced to 18 months' imprisonment. His name is now added to Amnesty International's list of prisoners of conscience convicted after unfair trials.

On 13 January, the Indonesian military announced that six Frente Revolucionária de Timor Leste (FRETILIN) guerrillas had been shot and killed in a military clash with the army. We know now that the six were unarmed civilians and were the victims of political killings. Two soldiers have received prison sentences for the killings, but Major-General Adang Ruchiatna, Military Commander of the region covering East Timor, is unsure about how it could have happened. He said,

> "We have to find out why they did what they did. Was it because they had become 'saturated' or because they were frustrated?".

The answer lies elsewhere. The killings are entirely consistent with a pattern of violations which results from a lack of systematic and thorough investigation of human rights violations. The killings took place within a system which, on the one hand, sends a soldier to gaol for four and a half years for murdering six unarmed civilians, and, on the other hand, sentences a prisoner of conscience to 15 years for his non-violent role in the Santa Cruz demonstration in November 1991.

In March 1995, the Chairman of the fifty-first session of the United Nations Commission on Human Rights issued a statement on East Timor, urging the Indonesian Government to continue to cooperate with the International Committee of the Red Cross (ICRC) by granting access to detainees. Despite this cooperation, detainees continue to be tortured. Three weeks after the statement was issued, José Antonio Belo, already seen by the ICRC, was beaten again. This time he vomited blood. Hendrique Belmiro was beaten so badly by military intelligence officers after his arrest in December that he needed seven stitches to his head. Friends say that now, as he faces trial on charges of rebellion, the torture and beatings have left him looking dazed and disoriented. These are just two examples of the reports of torture passed on to Amnesty International. There are more.

Before the end of this year the United Nations High Commissioner for Human Rights will visit East Timor. The seriousness of the situation places high expectations on the High Commissioner's visit. Amnesty International hopes that when the High Commissioner goes to East Timor he will urge the government to implement immediately the recommendations of the two United Nations experts who have conducted visits to East Timor: the Special Rapporteur on Torture, and the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions. We also hope that the visit will result in concrete action, including steps by the Indonesian Government to investigate all past violations and to prevent their future occurrence, and the abolition of legislation allowing for the detention of prisoners of conscience. Amnesty International also hopes that the visit will help to pave the way for international and domestic human rights monitors and journalists to gain unrestricted access to East Timor.

Amnesty International hopes that the recommendations of the High Commissioner will receive a more positive response from the Indonesian Government than that which was accorded the reports of the two Special Rapporteurs following their visits to East Timor. Both the Special Rapporteurs have made concrete recommendations which would improve the human rights situation in East Timor. Sadly, with the exception of one recommendation of the Special Rapporteur on Torture — the formation of a national human rights commission — all other recommendations of both experts have to date been ignored by the Indonesian Government.

Amnesty International believes that violations will continue in East Timor unless three steps are taken. These are: that the Indonesian Government undertake concrete action to address the root causes of the violations occurring in East Timor, including impunity, arbitrary abuse of power by the security forces and legislation which allows for the detention of prisoners of conscience; that independent monitoring of violations be guaranteed in policy and in practice; and that the international community consistently condemn violations whenever they occur in East Timor.

Unless these three steps are taken, the East Timorese will enter their third decade of torture, arbitrary detention, unfair trial, political imprisonment and killings.

The petitioner withdrew.

At the invitation of the Chairman, Ms. Jennifer Washburn (Agir pour Timor) took a place at the Committee table.

The President: I call on Ms. Washburn.

Ms. Washburn (Agir pour Timor): My name is Jennifer Washburn and I am here on behalf of Agir pour Timor, based in Paris. We thank the Committee for allowing us once again to petition it this year on behalf of the people of East Timor. Last year we reported on the development of public awareness on the issue of East Timor's self-determination, thanks notably to a successful four-month campaign by 12 organizations. We wrote that, following that campaign and for the first time since 1986, a Senator from the Government's majority had submitted a written question to the French Minister of Foreign Affairs on Indonesia's violent repression in the occupied territory of East Timor.

We are pleased to report that this awakening of the national Parliament has continued through 1994 and 1995 thanks in great part to Amnesty International's very successful campaign on Indonesia and East Timor, which came, so to speak, as a continuation of the joint Four Months for East Timor campaign. Amnesty received over 100 responses from Parliamentarians, including more than 10 new written questions in the Senate and the National Assembly, some of which reflected concern on human rights violations in Indonesia proper. Such a number of questions seems to have induced the Foreign Ministry to put progressively more stress on human rights concerns and less on economic relations in his answers.

Concurrently, the Four Months campaign has given rise to a more permanent structure. Forum Timor, established in October 1994, is a collective of organizations aiming to act for the promotion of East Timor's right to self-determination. Its current membership of 15 is: Agir pour Timor and ASTO (two East Timor solidarity groups); Asie-Pacifique, ICRA International and Tribal Act (three non-governmental organizations concerned with the rights of indigenous peoples); Cap Magellan, an association of Portuguese students in France; Cimade; Coordination of Portuguese Collectivities in France (CCPF); General Confederation of Labour (CGTF); France-Libertés; Justice and Peace; Peuples Solidaires and Réseau Jeunes Solidaires (solidarity with the peoples of the South); the French Platform of Development Non-Governmental Organizations/European Union; and the Third World Information Network (RITIMO).

The Forum functions under the same principle of last year's campaign. Member organizations retain their characteristics and participate in actions according to their desire, culture and capabilities. There are close contacts and occasional collaboration with non-governmental organizations that do not wish to be members of the Forum, such as ACAT, Amnesty International, CCFD, the French and International Federation of Human Rights Leagues, MRAP and Pax Christi.

Forum activities include lobbying and more visible actions such as the speaking tour we organized from 15 to 30 May this year. Six East Timorese students who are refugees in Portugal came to tour France, giving first-hand testimony of what happens in their own country. Three of them were among the 29 students who took refuge in the United States Embassy in Jakarta last November. Divided into three groups of two, they made three circuits — in the South-West, the South-East and

the West/Greater Paris area — participating in information meetings, giving interviews to the local press, meeting with political figures and so on. As in other countries which took the same initiative, the response was both excellent and limited owing to the almost total blackout in the media in our country on the situation in East Timor and on the very existence of the problem. Several local non-governmental organizations decided to take up Indonesia and East Timor as issues of concern and to help the people of East Timor and the pro-democracy movement in Indonesia. The Forum plans more activity in the next few months, but it seems premature to announce it at the moment.

We would like to continue with some comments on recent international developments regarding East Timor, together with some recommendations regarding the United Nations role in this matter. We welcome the unprecedented encounter between the Foreign Minister of Indonesia and representatives of the National Council of Maubere Resistance (CNRM), the Frente Revolucionária de Timor Leste (FRETILIN) and the Timorese Democratic Union (UDT) in New York last year. We welcome the acceptance by Indonesia of a visit to the Territory at the end of this year by the United Nations High Commissioner for Human Rights. We welcome the unprecedented all-inclusive East Timorese meeting that took place last month in Austria under United Nations auspices. We welcome the report on the need for further meetings of this kind, which was agreed on last Saturday during the sixth round of talks between the Portuguese and Indonesian Ministers. We applaud the fact that that meeting addressed substantial issues for the first time and discussed the preservation and promotion of the cultural identity of the East Timorese people.

We welcome these developments because they allow East Timorese, at long last, to begin to have a say in their own destiny. But welcoming does not mean condoning the behaviour of all parties in the matter. It will not be news to this Committee that the issue is not a dispute between Portugal and Indonesia, but an illegal act of aggression by the latter country against the people of East Timor. There is no question of balancing the roles of Portugal and Indonesia. Portugal is right to use its function as administering Power to promote the East Timorese right to self-determination, and Indonesia is wrong to use its position as occupying Power to obstruct that right in all possible ways.

Those views are confirmed by the attitude of the parties. We appreciate the good will and determination shown by the Secretary-General and the Portuguese Foreign Minister in pushing the issue forward. On the other hand, we have to observe the stubborn attitude of the occupying Power. As the Committee will know from other petitions and testimony, there has been no improvement in the human rights situation in East Timor. On the contrary, things are worsening. The report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions is dreadfully clear on this point. As to recent developments, let us just mention the return of "ninja" gangs clearly commissioned by the military authorities, and the emergence of religious provocations that did not exist one and a half years ago. Unsurprisingly, there is no regular access to the Territory for journalists and non-governmental organizations (NGOs), including Indonesian NGOs. The repression keeps a low profile when unwelcome witnesses are present, as the international media saw during the Asia-Pacific Economic Cooperation (APEC) meeting, only to come back with a vengeance when they are away. The occupying Power pretends to be committed to a solution of the issue, but tries to sabotage the process when it can. We will mention only the postponement, on a pretext, of the intra-Timorese meeting from its initially planned date of April. Fortunately, it has been put back on the agenda thanks to the efforts of the Secretary-General and Portugal.

In this respect, it seems to us that the positive moves by Indonesia do not stem from any genuine good will, but rather from a pressure it can less and less resist. For example, we read the October encounter in New York as a move in anticipation of the November APEC meeting. We read the acceptance of the visit of the United Nations High Commissioner for Human Rights as the only way to escape condemnation by the Commission on Human Rights. We read the relatively high sentence, in Indonesian terms, given to two members of the army by a court-martial for killing civilians in January as a direct result of pressure from several foreign countries. Finally, we read the recent withdrawal by Indonesia of Mr. Mantiri from the post of Ambassador to Australia because of his remarks following the Santa Cruz massacre as the result of successful pressure by Australian public opinion on its Government and, in consequence, on Indonesia.

The point of analysing these developments, which are well known to the Committee, is to show that pressure on the aggressor pays and must be pursued. While welcoming impressive advances in the self-determination process since the Santa Cruz massacre, we

cannot help remarking that they are impressive only by comparison with developments before. We wish these advances were faster, as it is the East Timorese people in the Territory who daily pay the price of this slow pace.

We cannot fail to also notice some setbacks. We lament the fact that the International Court of Justice, even if it reaffirmed the right of the people of East Timor to self-determination, did not see fit to pronounce a judgment on the Timor Gap case, only because Indonesia does not recognize its authority. This seems to the layman a very strange reason indeed. Nevertheless, we read in Indonesia's non-recognition of the International Court of Justice another sign of weakness. We challenge Indonesia to recognize the authority of the Court so that the Timor Gap case can be properly addressed.

We also lament the fact that the right of the East Timorese people to determine their own future is not implemented by the United Nations as it should be. They still do not participate in the talks between Portugal and Indonesia, and they were even officially prevented from discussing the status of their own Territory in the so-called "All-Inclusive" Intra-East Timorese dialogue. We ask the United Nations to perform its duty by helping the East Timorese people to be party to the international settlement of the issue.

We believe that, under the circumstances, it would speed up the process considerably if the United Nations were present in the Territory permanently. This seems now a strong possibility. We ask the United Nations to establish a permanent presence in East Timor.

On July 18 and 19, the Consultative Group on Indonesia, chaired by the World Bank, will meet in Paris to distribute public development aid to that country. We lament the fact that the World Bank, a United Nations body, is helping to fund Indonesian development projects in the occupied Territory of East Timor. The most notorious of these projects is Indonesia's "family planning", whose aim in East Timor is less than candid. We ask the United Nations to have the World Bank stop helping Indonesia in its illegal occupation.

We recall our fundamental opposition to Indonesia's participation in discussions regarding East Timor as a member of the Committee. Once again, we ask the Committee to exclude Indonesia from any decision-making process regarding East Timor.

Finally, we recall for the Committee the illegal detention of more than 50 East Timorese political prisoners, often kept out of East Timor and often in appalling conditions. We ask the United Nations to act in order to obtain the release of all East Timorese political prisoners, including Xanana Gusmão.

The petitioner withdrew.

At the invitation of the Chairman, Ms. Julie Carran (British Coalition for East Timor) took a place at the petitioners' table.

The Chairman: I call on Ms. Carran.

Ms. Carran (British Coalition for East Timor): The British Coalition for East Timor would like to address an apparent deterioration in the human rights situation in East Timor in the first half of 1995 and to propose some measures aimed at reversing this deterioration and creating the conditions necessary for an appropriate political settlement.

We note that, late in 1994 or early in 1995, there was a very marked increase in the activities of the masked terror gangs known to the East Timorese as "ninjas". In early February, more than 100 women met with Bishop Ximenes Belo to complain that the "ninjas" were wreaking havoc in Dili, destroying property and beating up, kidnapping and possibly murdering civilians. A few days later, a member of the local parliament confirmed that at least eight murders had been committed by the "ninjas". He also said that about 5,000 farmers had stopped tending their fields due to fear of these gangs, creating the threat of many more deaths through famine. At about the same time, it was reported that some 29 people had been "disappeared" by these same gangs.

Local residents say that the "ninjas" are certainly recruited, trained and equipped by the army, and have provided detailed information on rates of pay, recruitment procedures and equipment issued.

On 9 February, five young men were kidnapped and the house they were staying in was burned down, along with neighbouring houses, apparently because the owner of the house was a relative of Xanana Gusmão, the imprisoned leader of the National Council of Maubere Resistance (NRM). Witnesses report that both uniformed troops and "ninjas" were involved in this raid.

When the military authorities responded in mid-February, they deployed troops throughout Dili and arrested some 12 people, who were most probably not "ninjas" at all, but members of the neighbourhood defence squads set up in response to the gangs' activities.

According to a source who spoke to the Irish journalist Mr. David Shanks, this was part of a "very, very systematic and careful elimination" of those whose "political attitude is not quite right". The source spoke of extremely widespread "disappearances".

After a peaceful demonstration on 9 January, 11 young men were arrested and charged, later to be given sentences far out of proportion to their "offences". But, even worse, at least five others disappeared, and even the Indonesian police confirmed in February that they were missing. Residents of Dili report that five bodies wrapped in rice sacks were found in January, and they believe these bodies, though too badly mutilated and decomposed to be identified, are probably those of the five missing youths. Other sources report a total of nine "disappeared", plus the father of one man who was reportedly shot when he went to the army to inquire about the fate of his son.

On 12 January, in the village of Liquica, six civilians were executed in cold blood. The soldiers involved later confirmed that these people had not threatened them in any way and that their hands were tied when they were shot. It is likely that none of these people was involved in any criminal activity.

After the National Commission for Human Rights began its investigation into this incident, 30 people were arrested in Liquica and Dili, some or all of them possibly witnesses to the killings. We must note that, in this instance, the soldiers directly involved did receive sentences which, if not fully fitting the magnitude of the crime, were at least more than simply cosmetic. They were given, respectively, four and four and a half years in prison. It is also a welcome development to see that the heavier sentence went not to the soldier who pulled the trigger, but to his superior who gave the order. However, we do feel that the inquiry should have looked further up the ranks to consider final responsibility, and we are very concerned about the fate of these 30 unidentified people. We also stress that killings like these will unavoidably go on as long as the situation of military occupation continues in East Timor, regardless of the punishment of individual, not very high-ranking, soldiers. The only way to prevent a recurrence of the Liquica killings is through a political settlement acceptable to the Timorese population.

Very recently, there have been reports of mysterious killings in Dili. Though the "ninja" attacks have subsided and there was a short period of calm during the spring, last month two young men were found lying in the road with their necks broken and their faces smashed. They died on the way to the hospital. It is quite clear that the two were murdered, and residents suspect that they were targeted by the authorities for their pro-independence activity. "All youths are afraid to go out after dark", one Dili resident told a Reuters reporter by telephone.

There have also been a number of well-documented reports, in the last several months, of the torture of detainees in prison. Information has been received regarding, particularly, Hendrique Belmiro, Bobby Xavier and José Antonio Belo. The forms of torture they have been subjected to include beatings — in Henrique Belmiro's case, sufficient to fracture his skull — slashings with razors and the use of electric shocks. In all cases, these men were awaiting trial, having not yet been convicted of any offence.

There have also been serious outbreaks of urban violence, in November 1994 and January 1995, due to tension between native Timorese and Indonesian, mainly Buginese, settlers, apparently sparked by the killing of Timorese by settlers. These outbreaks, which led to considerable destruction of property and some deaths, were made worse by extreme and violent reactions from the police.

Finally, Indonesian authorities appear to have been placing restrictions on visits by press and other international observers, particularly during the worst period of the "ninja" activity.

Given this extremely grave situation, it is clear that much of the population of East Timor is living in terror and that the conditions for progress towards a political solution, ideally a United Nations-supervised referendum, simply do not exist. As a first step towards making such a solution possible, it is urgent that steps be taken to reduce the tensions and fear under which most of the population must now live their lives. It is vital that there be a presence in East Timor which is genuinely and entirely independent. Such a presence could collect reliable information on human rights abuses, monitor and hopefully prevent further incidents, and provide some protection for the beleaguered people of East Timor.

Therefore, we urge the United Nations to set up a human rights monitoring team of trained and competent

individuals from outside the region, which would operate, at an absolute minimum, for three months. We strongly urge that the United Nations consider making the presence of such a team permanent. If this is not possible, we would call for the permanent presence of a representative of the Secretary-General to be based in Dili, the capital of East Timor. Any such team or representative should report directly to the Economic and Social Commission for Asia and the Pacific in Bangkok or to the Secretary-General in New York. This would ensure that their presence does not imply recognition of the Indonesian occupation of East Timor. In essence, this reflects the position of the Catholic Church of East Timor, which is not part of the Indonesian diocese but is responsible to and administered by the Vatican, not the Bishops' Conference of Indonesia.

We do not believe that a United Nations peace-keeping force would be desirable under the circumstances. The Territory urgently needs to be demilitarized, rather than have another military factor added. Therefore we recommend a civilian mission, preferably made up of people with experience and training in human rights observation and monitoring, and able to serve as a dissuasive presence in situations of tension. Human rights education might also be part of the brief of such a mission.

We hope that in the longer term, in accordance with the peace plan of the CNRM, United Nations specialized agencies such as the World Health Organization, the Food and Agriculture Organization of the United Nations, the United Nations Children's Fund and the United Nations Development Programme could also establish offices or representatives in East Timor in order to build long-term stability, free of military control. An improvement in human rights and a lessening of tensions would create the environment in which a process would begin which would lead to a fair, United Nations-supervised referendum on self-determination and finally draw to a satisfactory end East Timor's long quest for full decolonization.

The petitioner withdrew.

At the invitation of the Chairman, Mr. Richard Koch (East Timor Ireland Solidarity Campaign) took a place at the petitioners' table.

The Chairman: I call on Mr. Koch.

Mr. Koch (East Timor Ireland Solidarity Campaign): I am indeed indebted to this Committee for allowing the East Timor Ireland Solidarity Campaign part of its valuable time in order to make a contribution which I hope will help resolve the ongoing tragedy that has befallen the people of East Timor.

Ireland is in an uncommon position to add its voice to those that are in solidarity with the oppressed people of East Timor. The fact that Ireland was under colonial occupation for 800 years is not lost on those of us who have rallied to the cause of East Timor. Despite centuries of domination by what was then and indeed continues to be a global Power, the flame of freedom burned in the hearts and minds of Irish people. There were many people of vision then, people who struggled to throw off the chains of colonial oppression. The vision of our ancestors is as real today as it was then because the dream they had is the same dream that all who suffer injustice have. At times it must have seemed like a hopeless struggle. It must have seemed very strange to them that the colonial Power enforced a policy of divide and rule. But these circumstances were not unique to Ireland — the colonialists carried out their subjugation and policy of divide and rule wherever they went. As we look at the tragedy that has befallen the people of East Timor, it seems that present-day colonialism and the European domination of peoples on all continents has changed little.

Ireland today has taken its place among the nations of the world. Ireland is now free to decide its own destiny, to live in peace with its neighbours and to represent itself on the world stage. It is a nation without the economic might of many, but with the determination to play an equal role as a member of the international community. Today the sacrifices of yesteryear have made it possible for dreams to come true — dreams that allow Ireland, as a Member of the United Nations, to have peace-keeping forces in many parts of the world, including Rwanda, Bosnia, Lebanon and elsewhere. Today, Ireland is an active player in world affairs, thanks in no small part to the struggle of earlier generations. Despite the difficulties that remain in Northern Ireland — a legacy of our own history which we are attempting to face honestly and deal with — Ireland continues to identify with small countries that have suffered and continue to suffer from foreign domination.

The pictures of sun-drenched beaches in Bali may be the preferred image that the Government of Indonesia would like to present to the world. However, increasingly, it is the pictures of young people gunned down while peacefully protesting the occupation of their country that the world is seeing. Those who died at the Santa Cruz cemetery in November 1991 are no different

from those who died in Sharpeville in South Africa, or Mahatma Gandhi's followers who died at Amritsar. The Indonesian Foreign Minister, Mr. Ali Alatas, has referred to East Timor as the "pebble in our shoe". A more valid description would be a badge of shame that Indonesian diplomats and officials are constantly reminded of. A country that was once a leader of the oppressed peoples of the world, a symbol to those who struggled for peace, justice and freedom, is now seen as a colonial oppressor.

In many ways, Ireland and Indonesia have, in historical terms, much in common. Like Ireland, Indonesia was invaded by a global Power, in its case the Netherlands. Just as in Ireland, there arose men and women of vision, men and women who were prepared to make the ultimate sacrifice so that those who followed them would be in a position to control their own destiny. Through the hardships of their independence struggle, they kept the flame of freedom alive. In this, the fiftieth year of Indonesian independence, men and women of vision are still called for. They are called upon, like their forebears, to put right an obvious wrong. They are called on to restore to Indonesia the right to be a major player in world affairs, not only in the Non-Aligned Movement, but also at the United Nations level. But this role will be denied to Indonesia until the tragedy in East Timor has been settled. It seems so ironic that a country which itself suffered so greatly cannot or will not make the connection between what was done to it and what it has done and continues to do to the people of East Timor.

In the past few years, Ireland has taken a leading role in pushing the case of East Timor at an international level. There is something about what has happened to the people of East Timor that raises an instant affinity in most people. This affinity goes beyond mere shock at the extent of military brutality; it creates a desire to make things better. Like East Timor, Ireland was nearly swallowed up by its nearest neighbour and its identity, culture and national rights were nearly subsumed by sheer power and violence. The struggle of East Timor at present, of Ireland prior to its independence in 1922 and of Indonesia before 1945 are examples of the resilience of the human spirit and the triumph of ordinary people over extraordinary odds.

In this, the 150th year since the great hunger, we as a people are trying to come to terms with an event of our history that was until recently ignored, not talked about, or else treated as something best forgotten. But the spirits of the some one million Irish peasants who starved in a land of plenty keep tugging at our collective consciences. Like the Jewish peoples of Middle Eastern Europe, Native Americans and Australian aborigines, the spirits of our ancestors cry out not to be forgotten. In this, the fiftieth anniversary of the liberation of the Nazi concentration camps, experience shows us that there are those who would prefer that we do not learn from history.

In this, the twentieth anniversary year of the Indonesian invasion of East Timor, there are many in powerful positions who would rather we did not know what has happened in East Timor or why it happened. It is obvious to all, with the exception of those who would deny the people of East Timor truth, justice and peace, that no valid act of self-determination has taken place. There are those who maintain that the people of East Timor sought independence through integration with Indonesia. This has been refuted not only by the United Nations but also by the international community. Even those countries which, because of economic expediency, have chosen to side with Indonesia maintain that no valid act of self-determination has taken place since Indonesia illegally occupied East Timor.

Whether we like it or not, the issue of Indonesia's occupation will not go away. With each day that passes, the case of East Timor grows stronger. Many ordinary people, on all continents, are rallying to the cause of East Timor. They, like us, know that a great injustice has taken place. In the developing world, people who know only too well the effects of colonial oppression are joining the cause of East Timor, as they did for South Africa under apartheid.

The recent efforts of the United Nations Secretary-General, Mr. Boutros Boutros-Ghali, are a welcome indication that this great injustice is still on the agenda of the United Nations. That Mr. Boutros-Ghali has put forth so much effort is also an indication that the international community wants a settlement to this conflict, seeing the issue as an international one and not one between colonial Powers. However, it is astonishing to those of us who care about the future of East Timor that it is the former colonial Power and the present one that are the main participants in the ongoing dialogue. Who represents the people of East Timor, who have struggled so bravely to oust a foreign Power from their homeland?

Until such time as the people of East Timor are represented at the ongoing talks, a solution will continue to evade us. The fact that the East Timorese resistance leader, Mr. Xanana Gusmão, is still imprisoned in Indonesia, thus breaking the Geneva Convention on the treatment of prisoners in an occupied territory, is an

indication that more pressure will have to be put on Jakarta. Mr. Gusmão must be involved in the continuing talks. It seems that, in the late twentieth century, until such time as the Indonesian Government is serious about finding a solution, Indonesian colonialism will continue to bring shame on a once-respected nation.

Irish history insists that we do not forget the 200,000 East Timorese who have died. Respect for the United Nations Charter and the principles of international law demands that those who have seized a small and vulnerable Territory should not have their way.

At the invitation of the Chairman, Mr. Simon de Faux (Auxilium College (Australia)) took a place at the Committee table.

The Chairman: I call on Mr. de Faux.

Mr. de Faux (Auxilium College): My name is Simon de Faux, and I am a registered nurse. I did my initial training from 1989 to 1991 at Monash University, Victoria, Australia. In 1992 I began working at various hospitals throughout the Melbourne metropolitan region, mainly in the accident and emergency departments. During 1994 I worked at the trauma centre at the Alfred Hospital. It was about the middle of 1994 that I started to become dissatisfied with the trauma work that I was doing.

I decided at that time that I wished to do some nursing work overseas. I made contact with the Salesians and their Provincial, Father Julian Fox. Initially I was offered some work through them in South America, but that fell through and in late January 1995 Father Fox proposed that I go to East Timor. I did not really know anything about East Timor before then. I had no knowledge of the place and had never been affiliated with any political group. The only thing I knew about East Timor was that it was a country that had been occupied by Indonesia since 1975 and that there were many bad things occurring there.

On 1 February Father Fox offered me a position. I was prepared to go, and so I did. On 8 February I boarded a plane and departed for East Timor. During the week from 1 to 8 February I started to learn as much as I could about East Timor. That was the only period in which I had a chance to learn about the place. I read a report entitled "Health in East Timor", written by Dr. Helda Buergel. Father Fox also tried to fill me in as much as he could, and I read sections of a book called *A People Betrayed* by James Dunn.

Apparently Bishop Belo had sent a fax to Father John Murphy, the new Salesian Provincial, asking for health care workers to go to East Timor and help set up clinics. That was my understanding of why I was being sent there. Although I was given only a two-month tourist visa by the Indonesian authorities, I was given the impression by the Catholic Church that, since I would not be earning any money — being there in the capacity of a volunteer health-care worker — I would be allowed to perform nursing duties.

I left for East Timor on 8 February 1995. I spent one night in Kupang, and on 9 February I left Kupang and flew straight to Dili. In Dili I stayed the night at the residence of Bishop Belo. When I arrived at the airport I was met by armed guards and told that I had to report to their various officials. I was also met at the airport by a Church worker who managed to convince the armed guards that I was a Church employee and that I would report the next day to the officials. Thus the armed guards let me go to the Bishop's house. That night I managed to speak with Bishop Belo, and he informed me that the situation in Dili was tense owing to the presence of a United Nations envoy team investigating the deaths of six people who had been summarily executed in January 1995 at a place called Liquica.

The next day I reported to the various police and military officials and the immigration department. I also had to report to the head of the health department because I was a registered nurse wishing to work. His name was Dr. Alex, an Indonesian national who spoke English fluently. I had to speak to quite a number of Government officials that day because I was a volunteer health care worker who had been asked by the head of the Catholic Church in their country to come and assist.

Finally, they gave me clearance, but they wanted to know where I was going and what I would be doing. At that point I was told by Dr. Alex that their health care system was quite adequate, so they did not want foreigners getting involved. For that reason I was to do no health care work. The limited medical equipment I did have was taken away. I was to be there just as an observer.

That afternoon I left with the Church worker I had met the previous day for a place called Suai, which is in the south-west. We went to the Catholic hospital there. When I first arrived I had to report once again to the police, military and health officials. Everywhere I went this was to be the norm. I stayed in Suai for only one

week, for reasons I shall soon explain. The main reason the Bishop sent me there was that it was felt that it was a fairly low-key resistance area, and thus I would be safe.

I started helping out where I could with what was possible while I was living at the hospital. The Church there was running a hospital with roughly 30 beds, which was grossly under-serviced. They had hardly any equipment or trained staff, and they were very under-equipped for the services they were trying to provide to a great many people.

While in the district of Suai I met various Indonesian doctors. I also met the head of the health department, who was quite happy to show me around all the Government-run hospitals, the health clinics and services that they were providing there. As a result, I saw the Catholic-run hospitals, staffed by the clergy, and also the Indonesian Government-run hospitals.

The major difference I noticed was that many of the Timorese people were afraid to go to the Indonesian doctors. They perceived the doctors, and more importantly their medicines, as being somehow part of a "genocide". I heard reports from Church workers that mothers had taken their babies to infant welfare centres, where they had been immunized and, a month later, that their babies had died. That was not a one-off case. One of the Church workers told me that they had heard of a place where 300 babies had died. Often when I went to these doctors and to the Indonesian-run hospitals I would have a look at the medicines. Those that I saw were legitimate medicines, like antibiotics. However, they were often out of date — the expiry date often a year, sometimes two years, past.

Although the Government-run hospitals had all the equipment and facilities, there was hardly anyone using them. They were usually empty. At the other extreme, the Catholic-run hospitals, which had no equipment or medicines, had 50 or sometimes even 100 people lining up because the people trusted the Church. The people knew that what they were getting there was legitimate, and so they trusted. So, if people could not get to the Church-run hospital, would often just stay at home when they were sick. They would rather remain ill than go to the Indonesian health authorities.

While in Suai I was informed by an Indonesian health care worker how some doctors from the health department would do deals with drug companies, buying cheap and out-of-date medicines with Government funds and then keeping the left-over funds and selling the medicine for a higher price to the hospitals. The medicine was meant to be available free. Thus the doctors were profiting twice. This was just one of the illegal deals that I was informed of.

On or about 10 February, while I was in Suai, I met the Governor, the "bupati". He was also a Catholic. He suggested that I go and have a look at the transmigration areas. He said: "Go, and show them what the Indonesians are doing for the Timorese." I do not know whether he meant that I was to show them how much good the Indonesians were doing, or how much harm they were doing.

When I went to the transmigration areas we were followed by the secret police. It was quite obvious. For most of the time I spent in Suai I had to report to the police and military officials continually. I had noticed similar scrutiny in Dili during the one day I was there. Paramilitary police would drive around with batons, interrogating people in the street.

As I have said, I was sent to East Timor by the Church as a volunteer health care worker, and that is all. I was incensed at the Indonesian Government's banning me from assisting the people of East Timor in regard to their health situation when there was a obvious need for such assistance. This was about the time I decided to start taking photographs to document what I was seeing.

It was also on this occasion that I first had a gun pointed at me. I took a photo of the marketplace in Suai itself, an innocent photo, just a tourist one, but by chance a soldier walked past as I took it. He pulled out a pistol and pointed it at me, and then told me to go with him. He thought I was a journalist. I had to go back to the commander and justify my account. By this time, they were convinced that I was a journalist and wanted to deport me from the place. Church workers stood up for me, saying "He is not a journalist; he is simply a tourist. Leave him alone". So I was given my camera and film back.

That night, one of the Indonesian doctors whom I had been working with had apparently been approached by the secret police, threatened and told that if he did not write a report on what I did 24 hours a day, they would take his wife away. He told this to one of the Church workers, although I did not find out until after I had left Suai a few days later. As a result, the doctor was naturally very afraid. Because of this, Church workers asked me to stay in the hospital building so that my

whereabouts could always be fully ascertained. I helped where I could, although officially I could not do much. However, I saw the health care system at work. People were too afraid to go to Government hospitals. They were afraid to take their medicine. The staff at the Catholic hospital wanted to get a system going where they could go out to the villages and check on people there, but they were banned from doing this by the health department.

I saw cases of end-stage tuberculosis in Timorese villagers, people coughing up bright, aerated blood. Blood was even coughed up on me. Malaria also is endemic in Suai. Everyone has it, as various members of the health department admitted to me.

On 10 or 11 February, the Canadian Ambassador and his team, who were touring East Timor, arrived in Suai. They were interested in speaking to me and hearing my opinion on what I had seen. Individual members took me aside and asked me why I was there, and I told them virtually everything I had seen or experienced. They told me that they wanted to help but that because they were ambassadors and had diplomatic immunity, they had to be neutral. They advised me to "keep my head down" and told me that what I was doing was very dangerous. They then asked if I wanted anyone informed as to my welfare. I gave them some names, and they said they would try and notify these people.

It was during this time that Church workers at the hospital started hearing a lot of talk about how two of their number had been recently assaulted in India. It was being said that if they did not watch out for themselves, a similar thing might happen to them in Suai. It did not take me long to realize that if anything happened to these people, it would not be because of what they were doing but because of my presence it was me that the Indonesians wanted to get to. They had already accused me of being a journalist, they had pointed a gun at me once, and they had seen me speak to the Canadian team. It was fairly obvious why they would want to terrorize the Church. The next day I said to the Church workers that I would leave because I was endangering them.

They organized my transport out of Suai. The driver was a Timorese youth, about 19 years old, who came from a family of nine. He told me that his mother had been raped, that his father had been killed and that one of his brothers was still missing. Any Timorese who was seen with me was taking a risk. This kid said to me that as far as he was concerned, his family was marked, and he took it as an honour to be seen with me. His words were:

"I grew up in tears. I live in tears. I will die in tears. I was dead from the minute I was born".

That day I went straight back to Dili. I was hidden in the back of a truck, as it was thought I would be safe from the military checkpoints throughout the countryside. Soldiers often took bribes at these checkpoints to supplement their fairly low incomes.

I went straight back to Dili, arriving there on about 16 or 17 February. I spoke to one of Bishop Belo's people, who spoke English. He told me that during the week I had been away, there had been gangs of what they had dubbed "ninjas" — groups of people who go around at night terrorizing people in Dili. They did not know who these "ninjas" were. The military kept saying that there were no "ninjas" in Dili. I actually saw an article in an Indonesian paper that said, in English - "No ninjas in Dili". However, the Timorese had managed to capture some of these "ninjas", and it was found that they were actually Red Beret commandos imported from West Timor, which is Indonesian. These commandos were dressing up as civilians, going around at night and attacking people.

The people they were targeting were often those thought by Indonesians to be FRETILIN sympathizers. Bishop Belo was at the Governor's house that night, trying to argue with him to stop the "ninja" raids, because in one of these raids one person had been decapitated. The Timorese wanted to bury the body, but the head had not been found, and they wanted it back. During the week I was in Suai, I was told by a number of people that a whole street had been burnt down and 15 people had been burnt to death. I met with Bishop Belo that night, and he decided to send me to a village in the east called Lospalos.

I had two letters of authority given to me by the police and military officials and a letter of authorization from Bishop Belo stating that I was a health-care worker working for the Church and that I was to be given freedom to move and to do whatever I could. On arriving in Lospalos, I learned that the Canadian Ambassador had also gone there from Suai. This may have led the military to believe that I was a journalist, because I seemed to be following the Ambassador around. I met up with the Canadian party again and spent some more time with them.

I arrived in Lospalos on about 17 February. I was sent to a school run by Salesian brothers and priests, who

were training about 500 students. Their ages were not those of typical students, however. For various reasons, those in their final year of school were often 25 or more, because their families had not been able to afford to send them to school. In many cases, they had stayed in the fields and helped with the harvest.

I spent the remaining seven weeks of my two-month visa in Lospalos. For the first week, I was fairly low-key. I did not really do anything but just followed the Ambassador around, played with the children, or helped where I could. It was only after the Ambassador had departed that the military left. I was told by a clergyman who had been there for 15 years that the Indonesians used to talk about how the number of soldiers in Timor had decreased. He said that this was not true; they had simply changed uniforms. They now wore not fatigues but civilian clothes, and for that reason, he said, one had to be very careful of what one said to people. Because we were up in the mountains, most of the people knew each other. Once again I was told that I had to report to the police in Lospalos and that I could not do health-care work.

However, I still tried to help out where I could with my medical skills. The Indonesians had taken away a backpack of first- aid equipment that I had brought. The only thing they did not take away was my personal bag, which had limited equipment such as malaria tablets, a few antibiotics, a personal syringe and needles. That was the equipment that I used, but it did not go very far. Often I would go with the priests to outlying villages and help out where I could. I went to health-care centres and Government hospitals, which were empty, while in the villages, I saw people with tuberculosis, malaria, ear and eye infections, respiratory disorders and so on.

Once people knew that I was with the Church, they knew that I could be trusted. As soon as I was introduced as being a nurse, often I would immediately get five to 10 people lining up to see me. In one case, I think I had up to 80 people lining up wanting medical attention. People often begged me to help them, but I could not do much with the little equipment I had. I still have a shirt with bloodstains on it coughed up on me by a young woman in her thirties who had tuberculosis. I often would see emaciated people who, because they had tuberculosis, looked as if they were 50 or 60 years old when they were only in their 20s.

One case I remember was that of a young girl with an eye infection caused by mosquitoes. I became very frustrated and annoyed while trying to treat her, as I needed antibiotics. I knew exactly what was needed, so I went to an Indonesian Government-run hospital. When I arrived there, no doctors were present, but I was able to break into the pharmacy and get the things we needed. I signed for them and to charge the supplies to the Church. They would have cost about $2.50 in Australian currency. The girl's eyes did get better. The Indonesian hospitals had equipment, but the East Timorese people just did not feel safe going to them.

Other reports I heard included stories of pregnant women going to health-care clinics and being told by Indonesian doctors that they should have abortions or being given Depo-Provera injections. I did not see this but heard about it often. Telling a Timorese — the majority of whom are Catholic — something like this is inexcusable. In almost every village I went to, I met five or six women who said that they had been raped.

I saw many different medical or surgical problems in these eastern villages. When we were out of sight of the military, people would show me injuries that I could not explain, such as burns to the nasal septum or to the penis. I still really do not know what caused those injuries, but I saw a lot of these kinds of burns. They were larger and darker than cigarette burns, but I did not know whether it was from torture or something else.

Unusually shaped bruising on individuals' backs was also common. I could not attribute the cause of these bruises. Often I would play soccer with many children in East Timor, and, despite the heat, many would not take off their shirts, because of embarrassment about the scars on their backs, the result of torture that had been administered in the past. In the two months I was in East Timor I did not meet a single Timorese person who had not had a relative who had been tortured or killed while under the Indonesian occupation. I did not meet one Timorese person who could say that his or her family was intact. I went to many of the villages, and I saw many injuries that I just could not explain.

I never actually saw anyone being tortured while I was in East Timor. I only tried to treat people's problems that resulted from torture. I was later informed that the burn marks were caused when people were tied to metal beds. When tied to the bed frame, they had an electric current connected to the nasal septum, which, as it is a moist environment, is a good conductor. Another current was connected to the penis. That is what caused the burn injuries to both the penis and the nasal septum.

Another form of torture that I was told about involved people being put in barrels of water. The barrel was filled to just below the person's nose. The person could not talk and could not really breathe. This method did not leave any injuries or marks, so it was one that the Indonesians liked to use. I was told that it was frequently used to get confessions, or whatever else they liked to use it for.

In early March the Australian Ambassador and his party arrived. The Ambassador's name was Allan Taylor, and his First Secretary was Alistair Cox. They had a large entourage of Indonesian military following them. I informed the Australian diplomats how I had been prevented from doing any health care work. I got the impression straight away from the Ambassador that he did not even want to know who I was. One night I had a long debate with Alistair Cox after what I had told him about what I had seen and the fact that the Australian Government was not doing enough to help the Timorese people. It became apparent that they did not want to know what I had seen and that they wanted me to — in their words — "back off". Alistair Cox said "We would prefer that you did not speak to the media."

One of the main troubles that I noticed while in East Timor was the lack of freedom and of accurate and truthful information. Hardly any news ever gets out of the country. For example, I knew about the Santa Cruz massacre of November 1991, but I was told by the clergy that there had been another six massacres of equal magnitude since then. Of the further six massacres, I heard reports of survivors from the Santa Cruz massacre being taken to the hospital and then being stoned to death or given lethal injections. All this made me more determined to get the rolls of film I had taken in East Timor out of the country.

Throughout all the places I visited I would frequently see convoys of heavily armed police and military. Even in Dili, which is a quiet, sleepy little place where nothing ever really seems to happen, I was told that there was a significant military presence to keep the people in check. It made the people afraid to do anything. Every house had a number above it and a name, which was the name of the people who lived there, and the name of the official they had to report to. Apparently, every day someone from the military command would come out to the village and check the person off to make sure that he or she was still there. That was every village house I saw in the entire two months I was in East Timor.

I had complained about having a military escort follow me most of the time I was in East Timor. I was told by the military command that this was for my own safety, in case anything should happen. I knew that this was a joke, as no East Timorese person would ever have touched me. Everyone wanted to help me. So when the military commander said this, it was interpreted by my friends as a warning about what could happen. Perhaps a bullet out of the blue could be fired at me by the Indonesians, but the Indonesians would turn it around and say that it was the fault of FRETILIN. For the first month I was there I thought that I was going to be killed.

Often I would see soldiers moving around in the villages. It was not just one or two soldiers; there were military convoys. Often we would be driving along and would see three or four trucks of fully armed soldiers. When the Australian Ambassador was there he asked, at an official luncheon, how many combat troops were in Timor at the time. The military commander said that he could not give an answer and that he did not know. I found it very surprising that a military commander would not know how many soldiers he had in his battalion. He then went on to say that there were perhaps fewer than 100. Now, that had to be a mistake because in Lospalos alone there is a huge military base that had housing for at least 200 to 300 soldiers. We would be driving around, and we would often see military convoys full of heavily armed soldiers.

During my six weeks there I went to a village in the east, where I walked into a clearing and saw a young child being beaten. I had a feeling that I had walked straight into the middle of something. All that I knew about the child was that he was eight years old. I walked into this clearing, and the child was being hit with a rifle butt held by an Indonesian soldier. Half his face had been bashed in. There was a large crowd of people watching. Some of them were being held back. I imagine that these were his parents. I walked in and tried to stop the child being bashed by the soldier, and in the process I was hit in the back by the soldier with his rifle butt. It was after this incident that, for the second time, I had a gun pointed at me.

Just as quickly as it had happened, it all subsided. People withdrew, and the child was grabbed by someone and taken away. I tried to find out at the hospitals whether they had had any child brought in. I was told that an eight-year-old boy had come in, but that was all they would say to me. It was all hushed up. I do not remember much about the incident — I was dazed — but I do recall the child's eye virtually hanging out of his face. I could never find out any details, and I did not tell

the clergy because I was already aware of what a headache I was for them. But when I saw the child being beaten I had no hesitation in standing in front of these soldiers — not the slightest.

I had been to villages where women coughed blood up on me and where young children told of how they had been beaten in the past. Yet all of them had the same message: "Please help! They sometimes screamed at me, "Please help!" I could not walk away from that.

Finally, my two months was coming to a finish. I returned to Comoro, a suburb of Dili, where I stayed the last few days. I returned to Australia on 9 April 1995 with my films, the knowledge of what I had just lived through and, more important, my life.

The petitioner withdrew.

At the invitation of the Chairman, Mr. Scheiner (East Timor Action Network took a place at the petitioners' table).

The Chairman: I call on Mr. Scheiner.

Mr. Scheiner (East Timor Action Network/United States): I am grateful to the Committee for taking the time to listen to me and the other petitioners.

I am the coordinator of the East Timor Action Network in the United States. I also represent the International Federation for East Timor, which is a non-governmental organization affiliated to the Department of Public Information. On behalf of that Federation, I want to thank Mr. Dmitrichev and his able staff for their help in facilitating the participation of groups members of the International Federation in today's meeting.

I should like to start by noting a positive development in yesterday's news — the release of Aung San Suu Kyi from house arrest in Myanmar. For several years, the State Law and Order Restoration Council (SLORC) has held President Soeharto up as a model to learn from. I hope that the Indonesian Government can follow Myanmar's example and free Xanana Gusmão and the other East Timorese political prisoners in Indonesia's jails.

Today I am addressing the Committee on behalf of the United States-based East Timor Action Network — a grass-roots movement formed late in 1991. I shall not repeat others' testimony, but will give the Committee some information on recent relevant developments in the United States. Although there is increasing awareness in the United States of the Indonesian military occupation in East Timor, the position of the United States Government is still in flux.

Last year the United States Congress continued its prohibition of international military education and training assistance for Indonesia — a ban that has been in effect since shortly after the 1991 Dili massacre. In addition, the Congress codified a State Department-initiated ban on public and private sales of small and light arms and riot-control equipment from the United States to Indonesia. In both cases the ongoing human rights violations in East Timor were the source of Congressional distress.

This year the United States Senate will probably expand the arms sales ban to include helicopter-mounted equipment. And, although there is a move in the House of Representatives to restore some United States training for Indonesian soldiers, that training would be limited to subjects like democracy, civilian control of the military and human rights.

As members of the Committee know, President Clinton joined President Soeharto and other regional Heads of State in Jakarta for the Asia-Pacific Economic Cooperation Summit Meeting last November. As 29 brave young East Timorese men focused world attention on their country by visiting the United States embassy, President Clinton said:

> "The position of the United States and the position that I have held since 1991, since long before I held this office, is that the people of East Timor should have more say over their own local affairs."

That is the clearest statement yet by an American President that the United States Government still questions Indonesian rule in East Timor.

In February 1995, the United States State Department issued its annual report on human rights in Indonesia. It called the country "strongly authoritarian", and stated:

> "The Government continued to commit serious human rights abuses and in some areas, notably freedom of expression, it became markedly more repressive, departing from a long-term trend towards greater openness. The most serious abuses included the continuing inability of the people to change their government and harsh repression of

East Timorese dissidents. Reports of extrajudicial killings declined. Security forces continued to torture those in custody: Some sources reported that the use of torture declined, but definitive statistics are not available. Extrajudicial arrests and detentions continued, as did the use of excessive violence in dealing with suspected criminals or perceived troublemakers. (*"Indonesia Human Rights Practices", United States State Department, 1 February 1995, lines 51-62*)

"On East Timor, no progress was made in accounting for the missing persons following the 1991 Dili incident, and troop levels remained unjustifiably high. (*ibid, lines 89-91*)

"Government efforts to account for the missing and dead from the 12 November 1991 military shooting of civilians in Dili, East Timor, remained inadequate. No additional cases of those still listed as missing in a report the military gave to Human Rights Watch/Asia were resolved during the year. Government spokesmen implied that their failure to locate those missing was primarily due to those persons wishing to evade detection. Many knowledgeable observers, however, continued to believe that most of the missing are dead and that some members of the armed forces know where their bodies are located." (*ibid., lines 184-193*)

The report goes on to detail torture, disappearances, press intimidation, religious harassment, and other violations of civil and human rights stemming from Indonesia's disputed and illegal military occupation.

This past February, a bipartisan group of nine Senators wrote to President Clinton saying:

"We believe that the United States relationship with Indonesia should enable us to effectively press our concerns with the Jakarta Government."

Members of the Congressional Human Rights Caucus from both parties sent a similar letter expressing concern about

"the lack of progress on human rights and the perpetual reports of torture and other serious abuses."

Some former United States officials are also expressing regrets. When questioned about East Timor earlier this year, former Secretary of State James Baker said:

"We made mistakes in our foreign policy, we made them in the past, we are making them now ...".

Assistant Secretary of State John Shattuck testified before Congress this past March that Washington was "very concerned" about a marked deterioration of the human rights situation in Indonesia, including the torture and killings of six East Timorese civilians at Liquica. Mr. Shattuck visited East Timor in April. Immediately after that visit he commented at a Jakarta news conference:

"The United States favours very strongly increased opportunity for the people of East Timor to participate in decisions affecting their own Government, and certainly opportunities in all areas, whether those be economic or political ...

"The issue of the presence of military troops in East Timor in a fairly substantial number is certainly a major concern about the process of addressing this human rights question."

Nevertheless, some members of the United States State Department, military and Congress are asking the United States to ease pressure on Indonesia over East Timor and are calling for the resumption of unrestricted weapons sales and military training. The debate remains in full swing in Washington, and Indonesia has a new leading advocate in the House of Representatives: Republican Sonny Callahan, who chairs the Appropriations Subcommittee on Foreign Operations. Perhaps it is pure coincidence that IPTN, Indonesia's leading aircraft company, is about to set up manufacturing operations in Mr. Callahan's district in Mobile, Alabama.

Although the East Timor Action Network cannot match Indonesia's lobbying tactics, we have been very active and have thousands of members in nearly all the 50 United States. The East Timor Action Network is encouraged by the efforts of the United Nations that lead to the all-inclusive intra-Timorese dialogue in Austria last month and with the recognition by that meeting that General Assembly resolution 37/30 still provides the framework for a solution. We were encouraged by the report of Special Rapporteur, Mr. Bacre Waly Ndiaye, and with the upcoming visit of High Commissioner José Ayala Lasso to East Timor. We urge the Government of

Indonesia to cooperate with this Special Committee, the Secretary-General and the Commission on Human Rights to work towards self-determination for the people of East Timor. Although the pace is sometimes very slow, the motion is in the right direction. We only hope that a solution can be reached before too many more disappearances, killings and arbitrary arrests occur.

Two days ago I was awakened by a telephone call from Dili, telling me of three East Timorese men who had not been seen since 30 June. The caller feared that they had been taken or possibly killed by Indonesian soldiers. The people of East Timor have already endured two decades too many of terror and death, and this Committee can play an essential part in ending their nightmare.

The year 1995 is a year of anniversaries. We celebrated a half-century of the United Nations last month and will celebrate a half-century of Indonesia's freedom from colonial domination next month. This December will mark 35 years since the adoption of the Declaration on the Granting of Independence to Colonial Countries and Peoples. After several decades of decolonization, it is unfortunate that this Committee still needs to exist, that Territories, including East Timor, have not been able to enjoy their legal and moral right to self-determination.

This December also marks 20 years of Indonesian invasion, occupation and genocide in East Timor. We hope that the United Nations, working with the people of East Timor and the Governments of Indonesia and Portugal, can end this injustice before another year passes.

The petitioner withdrew.

At the invitation of the Chairman, Ms. Jill Sternberg (Coordinamento italiano dei gruppi di solidarietà con il popolo timorese) took a place at the petitioners' table.

The Chairman: I call on Ms. Sternberg.

Ms. Sternberg (Coordinamento italiano dei gruppi di solidarietà con il popolo timorese): My name is Jill Sternberg and I am petitioning the Committee on behalf of the Italian Coalition of Solidarity Groups with the East Timorese People. Founded in 1991, the Coordinamento is a coalition that includes non-governmental organizations, local groups and individuals engaged in supporting the East Timorese people's struggle for self-determination. The Coordinamento promotes information and awareness campaigns and solidarity projects.

The year 1995 is the twentieth anniversary of the Indonesian invasion of East Timor. During the past 20 years, more than 200,000 East Timorese people have died, killed by Indonesian arms, by starvation and by the troubles caused by the invasion. In an international context where some long-lasting conflicts have reached a solution, we think a pacific solution, respectful of the rights of the inhabitants of East Timor, can be found.

With regard to this, we think it right to point out that, in the context of the conflict between the Israeli State and the Palestinian people, new chances for peace were opened when direct talks between the Israeli Government and the leadership of the Palestine Liberation Organization were started. In the same way, in the context of the conflict between the British Government and the Catholic community in Northern Ireland, the cease-fire was reached when it became possible to open direct contact between the British Government and the Northern Irish Catholics represented by the Social Democratic and Labour Party and Sinn Fein.

Thus, we are worried by the constant violations of human rights perpetrated in East Timor by the Indonesian army and described in several reports by Amnesty International and, with regard to the Santa Cruz massacre, also by the United Nations Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions. We ask that the right to self-determination of the people of East Timor, which is still formally a Territory under the sovereignty of Portugal subject to decolonization, be respected through the organization of a referendum monitored by United Nations representatives. This solution is also supported by the local Catholic Church. We also ask that a committee representing the resistance of the East Timorese people, embodied in the National Council of Maubere Resistance, also be admitted to the peace talks that are taking place within the United Nations between Portugal and Indonesia.

The petitioner withdrew.

At the invitation of the Chairman, Ms. Vanessa Ramos (International Platform of Jurists for East Timor and American Association of Jurists) took a place at the petitioners' table.

The Chairman: I now call on Ms. Ramos.

Ms. Ramos (International Platform of Jurists for East Timor and the American Association of Jurists)

(*interpretation from Spanish*): The case of East Timor came to international attention after the Santa Cruz massacre of 12 November 1991. Recent events in East Timor confirm that since the 1975 occupation, the situation in the Territory has deteriorated and that Indonesian military forces have not hesitated to use indiscriminate violence against the civilian population and the national liberation movement.

United Nations involvement in implementing the right to self-determination of the people of East Timor is a *sine qua non*, as this is a not just a problem between Portugal and Indonesia but rather a colonial problem. We are now approaching the end of the International Decade for the Eradication of Colonialism, on the brink of the twenty-first century, and it is the job of this Committee to implement the Principles of the Magna Carta of decolonization: resolution 1514 (XV). Thus the United Nations must revive not just the letter, but the spirit of resolution 31/53 and Security Council resolutions 384 (1975) and 389 (1976), which recognize East Timor's right to self-determination and territorial integrity, appoint Portugal as the administering Power, condemn the 1975 invasion and call upon the Government of Indonesia to withdraw its army from the Territory.

Since last year, we have noted with interest a series of events that deserve the serious consideration of the Special Committee. Some of them are as follows.

East Timor was a major issue in discussions at the Conference of the Asia-Pacific Economic Cooperation, when on 12 November 1994 — the anniversary of the Santa Cruz massacre — Timorese students crossed the gates of the United States Embassy in Jakarta, asked to talk with President Clinton and called for the release of their leader Xanana Gusmão and other political prisoners. They also demanded recognition of the right to self-determination and a condemnation of the occupation.

Despite international pressure, there is no indication that the Government of Indonesia is reducing its military presence in East Timor. This is creating a source of fear and intimidation for the Timorese population in the face of the accelerated militarization of the Territory. This climate of terror became even more apparent with the arrival in Dili and in rural areas of the so-called "ninjas", or vigilantes, who are dedicated to terrorizing the population.

The process of the transmigration of peoples is continuing.

On 12 January, the Indonesian military murdered six Timorese civilians in the district of Liquica.

Despite these facts, the harsh reality is that these are not isolated acts, but that the Timorese people experience on a daily basis the cruelties of occupation. Many experts on international law have compared the invasion of Kuwait with the case of East Timor. Twenty years have passed, and the United Nations has not been able to implement its resolutions. Both cases share two similar aspects: a violation of international law and of the universal principle that recognizes the right of peoples to self-determination and independence, and the reaction of the United Nations — the party responsible for the protection of the principles condemning the forced and illegal annexation of another territory.

In the recent decision handed down by the International Court of Justice in the case of *Portugal v. Australia*, although the Court did not decide on the merits of the case, important declarations were made on the right to self-determination. In paragraph 29, the Court affirmed:

(spoke in English)

> "In the Court's view, Portugal's assertion that the right of peoples to self-determination, as it evolved from the Charter and from United Nations practice, has an *erga omnes* character is irreproachable".

(spoke in Spanish)

The Court also remarked as follows:

(spoke in English)

> "Moreover, the General Assembly, which reserves to itself the right to determine the Territories which have to be regarded as Non-Self-Governing for the purposes of the application of Chapter XI of the Charter, has treated East Timor as such a Territory. The competent subsidiary organs of the General Assembly have continued to treat East Timor as such to this day. Furthermore, the Security Council, in its resolutions 384 (1975) and 389 (1976), has expressly called for respect for 'the territorial integrity of East Timor as well as the inalienable right of its people to self-determination in accordance with General Assembly resolution 1514 (XV)'".

(spoke in Spanish)

Currently, despite all these vicissitudes, the Timorese people hope that their just cause will receive greater international attention. The report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, Mr. Bacre Waly Ndiaye, has made a contribution to this, as have the meetings held under the auspices of the Secretary-General with representatives of Portugal and Indonesia, the Intra-East Timorese dialogue in Austria and the upcoming visit of the United Nations High Commissioner for Human Rights.

In his report, the Special Rapporteur recommends that a new investigation be conducted into the Santa Cruz massacre by "individuals of recognized independence, impartiality and expertise" *(E/CN.4/1995/61/Add.1, para. 79 (a))*. It also suggests that jurisdiction should be handed over to the ordinary civilian judiciary in order to ensure that the investigation will be impartial and transparent and to avoid interference on the part of the military. The report concludes that the deaths caused during that demonstration were part of a military operation planned and designed to repress public expression and political dissidence, which does not comply with international norms of human rights. Mr. Ndiaye characterized this demonstration as a peaceful demonstration by unarmed civilians.

In addition, the Conference held in Austria in June brought together almost the entire Timorese political spectrum. Although the basic problem — the resolution of the political status of East Timor — was not discussed, there were none the less some positive aspects. The Conference cleared the way for future talks among the Timorese people, and it issued an important declaration. The Burg Schlaining Declaration, adopted by consensus, reaffirms the need to take steps in the human rights and other areas to promote peace, justice and social harmony. It reaffirms the right of East Timor to social and cultural development and to the preservation of a cultural identity through the teaching of the Tetum and Portuguese languages. The participants acknowledged the importance of the negotiations between Portugal and Indonesia, held under the auspices of the Secretary-General, in easing the way towards a solution that is acceptable and in keeping with General Assembly resolution 37/30.

However, one should not forget that the basic problem is the occupation of and the pressing need to decolonize the Territory. We are concerned that the meetings initiated by the Secretary-General may become routine.

We propose that this Committee give due attention to the draft resolution proposed by the National Council for Maubere Resistance (CNMR). This draft resolution is reasonable and calls for talks among the Secretary-General, Portugal and Indonesia to establish a cease-fire, reduce the number of military personnel, release political prisoners and conduct a census. The transitional phase would conclude with an internationally monitored referendum.

In conclusion, any plan that is formulated must necessarily acknowledge the illegality of the invasion and implement all necessary measures to achieve decolonization. In accordance with the aforementioned, we would propose that in the short term, the specialized agencies step up their presence and continue the negotiations held under the auspices of the Secretary-General, and that Indonesia be urged to release all political prisoners and begin to withdraw its armed forces from the Territory.

We call upon the peoples of the first world to reconsider. No one can claim to be a champion of human rights and at the same time allow economic interests to prevail over justice and the fundamental rights of peoples.

The petitioner withdrew.

At the invitation of the Chairman, Mr. Alyn Ware (East Timor Independence Committee) took a place at the petitioners' table.

The Chairman: I call on Mr. Ware.

Mr. Ware (East Timor Independence Committee): I am grateful for the opportunity to present the statement of the East Timor Independence Committee, of Auckland, Aotearoa, New Zealand, which includes appended comments by Tau Henare, an indigenous member of the Aotearoa, New Zealand, Parliament, and the deputy leader of the New Zealand First Party. Mr. Henare visited East Timor in 1994. Owing to time constraints I shall not read out these comments in their entirety, but will make them available in written form.

The East Timor Independence Committee, of Auckland, Aotearoa, New Zealand, is an organization of concerned individuals who support the right of the East Timorese people to self-determination. There has been an active voice in New Zealand on behalf of the East Timorese people since the time of the Indonesian invasion

of East Timor in 1975. The activities of our organization and of our sister groups such as the East Timor Independence Centre in Wellington have centred on raising public awareness of the situation of the people of East Timor and on lobbying our Government to take a stronger stand supporting the East Timorese people.

Since 1991 and the publicity surrounding the Dili massacre, in which a young New Zealand man, Kamal Bamadhaj, died, New Zealanders have become very concerned about the human rights situation in East Timor. In May 1994, 51 New Zealand Members of Parliament — and this represents a majority of Members of Parliament — from all political parties signed a petition to the Indonesian Ambassador in New Zealand. The petition called on Indonesia to address the human rights abuses in East Timor and expressed support for the East Timorese peoples' right to self-determination. Subsequently a five-person Parliamentary delegation visited East Timor and later expressed a common concern about human rights violations and the level of militarization in East Timor.

In February 1995, the results of an opinion poll conducted by NBR Consultants were widely reported. They showed that only 9 per cent of those questioned shared the official Government view that the occupation of East Timor is irreversible. According to the poll, 49 per cent of New Zealanders believe that New Zealand should advance the cause of independence for the East Timorese, and 33 per cent had no opinion on the issue.

We regret that, despite growing national support for a change in our Government's policy on East Timor, this has so far been limited to expressions of concern about human rights and support for the efforts of the United Nations in promoting ongoing talks between the Governments of Portugal and Indonesia. There is currently considerable opposition in New Zealand to a planned combined air exercise between Indonesia and New Zealand which is to take place this coming August. Our organization is linking the demand for our Government to pull out of this exercise to a demand for an end to all military links between Indonesia and New Zealand.

We have followed the recent United Nations-sponsored intra-Timorese talks held in Austria with great interest. We welcome the Burg Schlaining Declaration and especially the affirmation of the ongoing negotiations between the Governments of Portugal and Indonesia under the auspices of the Secretary-General with a view to finding a

> "just, comprehensive and internationally acceptable solution to the question of East Timor according to the provisions, letter and spirit of General Assembly resolution 37/30" *(A/AC.109/2026, para. 40)*.

We urge the Special Committee to take very careful note of the documentation presented to it by Amnesty International, by other human rights groups and by East Timorese in exile, which details the ongoing human rights abuses in East Timor, such as torture, involuntary disappearances, maltreatment of political prisoners and extrajudicial killings. The recent killing by the Indonesian military of 6 civilians in Liquica is but one example.

We look forward to strong resolutions for action on behalf of the inalienable right of the East Timor people to determine their own future.

I shall now summarize comments by Tau Henare, deputy leader of the New Zealand First Party and a member of the delegation to East Timor.

The dream of all indigenous nations is independence and self-determination. The indigenous soul of the East Timorese has been and will continue to be diminished by constant attack from the outside. The language, the faith or religion, history and social structures are undermined by the presence of the Indonesian military and Indonesian rule. Censorship, at times self-imposed, continues to silence the Timorese.

Colonization is best described as a process by which one group seeks to take over the economic base of another. The East Timorese are deprived in terms of jobs, the economy and their own culture. This is similar to how the Maori, the indigenous people of Aotearoa, New Zealand, must have felt at the turn of the century: the population was declining and the colonial forces were on the increase.

After 350 years of Portuguese rule and 20 years of Indonesian rule, the East Timorese deserve international assistance in their bid to discover their own nationhood. A 10-year programme of decolonization ending up in self-governance would be acceptable because it would not cause too much disruption in the short term. Decolonizing involves the rethinking of political, legal, economic and social institutions. The six foundation-stones which are necessary in every nation include language, law, values, education, health and an economic base, that is, land. Therefore, it is imperative that self-determination take the shape of possession of resources,

a living culture and a living language. East Timor's indigenous culture can be restored if the appropriate action is taken now.

Roger McLay made the suggestion that there could be an arrangement like the one that New Zealand has with the Cook Islands. The Cook Island population has New Zealand citizenship and rights of access to the educational and economic benefits of New Zealand. This type of situation is worth considering in the case of Timor, but the decision lies with the Timorese.

New Zealand ought to facilitate a process of decolonization. Direct talks between the East Timorese and the Indonesians must take place on an equal footing. The intimidatory tactics of the Indonesians must cease to be acceptable. New Zealand can afford to take a moral stand on this issue only if it is committed to criticizing the human rights records of other countries. The Indonesian Government is aware of New Zealand's record *vis-à-vis* with Maori people. It is inconsistent for us to take the moral high ground if we are not committed to a process of redress in our own country. It is worthwhile to consider the plight of Maori, Australian aboriginals, the Hawaiians and the Tahitians. The Pacific region is home to any number of indigenous nations. When will they be allowed to live as autonomous, self-determined peoples?

Why has New Zealand consistently taken an indifferent position on Timor? Selective morality has been consistently pervasive in Government policy. It is time for that country to take a stand. Human rights breaches are unacceptable in any country, including Aotearoa.

The petitioner withdrew.

At the invitation of the Chairman, Mr. Thomas Mahedy (Pax Christi International) took a place at the petitioners' table.

The Chairman: I call on Mr. Mahedy.

Mr. Mahedy (Pax Christi International): Pax Christi International would like to thank the Chairman and members of the Special Committee for this opportunity to present an intervention on the question of East Timor. Pax Christi International, the international Catholic peace movement, appreciates the Committee's efforts in working with the interested parties to implement the Committee's mandates.

This year marks the fiftieth anniversary of Pax Christi. At a recent celebration, Pax Christi International made it clear that the human rights and right to self-determination of the people of East Timor continue to be a high priority.

The Universal Declaration of Human Rights, United Nations General Assembly resolution 1514 (XV) of 14 December 1960 and Security Council resolutions 384 (1975) and 389 (1976) provide a basis for working for human rights, especially the right to self-determination of the East Timorese people.

Pax Christi International supports all United Nations efforts, including the use of the Secretary-General's good offices, for achieving a just, comprehensive and internationally acceptable settlement of the question of East Timor and its self-determination. United Nations investigative reports and recommendations can help provide mechanisms to prevent and inquire about human rights abuses against the Timorese people. But, to be effective, these international standards must be implemented.

The United Nations Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions reports from his July 1994 visit to East Timor that:

> "the conditions that allowed the Santa Cruz killings to occur are still present. In particular, the members of the security forces responsible for the abuses have not been held accountable and continue to enjoy virtual impunity." (*E/CN.4/1995/61/Add.1, para. 74*)

The Special Rapporteur strongly believes that no confidence- building measure can be effective and no solution to the problems facing East Timor found before justice has been done concerning the massacre.

The 12 detailed recommendations of the Special Rapporteur's report propose that the Indonesian Government take the following concrete steps: to invite the Working Group on Enforced or Involuntary Disappearances to carry out a mission in East Timor; to accede to the International Covenant on Civil and Political Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; to implement the recommendations of the Special Rapporteur's report from the November 1991 visit; drastically to reduce its military presence in East

Timor; and to encourage international and independent non-governmental organizations.

Non-governmental organizations like Amnesty International provide the present documentation of continuing and increasing human rights abuses by Indonesia against the East Timorese people in 1994 and 1995. Within East Timor, the head of the Roman Catholic Church continues to speak out against the killings, torture and arbitrary arrests. The Bishop of Dili favours a referendum on self-determination and has offered to mediate a series of dialogues between the different sides under United Nations supervision.

Events over the past year in East Timor and Indonesia have brought the East Timorese plight to world attention. While a long- term solution in East Timor is debated, initiatives can and must continue to provide a foundation for mechanisms to deal with self-determination issues. Such initiatives could and must include the honouring of commitments undertaken by the United Nations Commission on Human Rights; access to United Nations Special Rapporteurs, working groups and specialized agencies; freer access to East Timor for international and human rights groups; dialogue with Governments, non-governmental and intergovernmental organizations; reductions in military personnel; and implementation of all international human rights instruments. United Nations-sponsored dialogue should continue, but any serious proposal should and must include the Timorese people in the negotiations.

In closing, let us work together in open and courageous dialogue to establish mechanisms to respect the religious and cultural traditions of the East Timorese people and to protect their social, economic and political rights, especially their right to self-determination.

The petitioner withdrew.

The meeting rose at 6.10 p.m.